

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

UNITED STATES OF AMERICA,) CASE NO. 5:05CR00019
) (CASE NO. 5:13CV80575)
)
v.) FINAL ORDER
)
)
)
)
MARK JAMES KONSAVICH,) By: Glen E. Conrad
) Chief United States District Judge
Defendant.)

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that defendant's motion styled as a "MOTION TO AMEND INITIAL PETITION PURSUANT TO RULE 15(C); MOTION PURSUANT TO 28 U.S.C. § 2255(f)(3); MOTION FOR SPECIFIC PERFORMANCE OF PLEA AGREEMENT" is **CONSTRUED** as a second or successive motion to vacate, set aside or correct the sentence, pursuant to 28 U.S.C. § 2255, is summarily **DISMISSED** as successive under § 2255(h), and this action is stricken from the active docket of the court. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

ENTER: This 24th day of April, 2013.

Glen Conrad

Chief United States District Judge